

Remarks

Claims 31-47, 53, 54 and 63-103 are pending. No claims have been canceled. Claims 31-47, 53, 54, and 65 have been withdrawn from consideration. No claims have been amended. No claims have been added.

Rejections

Claims 66-70, 74, 76-82, 92-103 stand rejected under 35 USC § 102(b) as being anticipated by Bacon (US Patent 5,632,946).

Claims 63, 64, 66-72, and 91-103 stand rejected under 35 USC § 103(a) as being unpatentable over Bacon in view of Vessely (US Patent 3,936,467).

Claim 73 stands rejected under 35 USC § 103(a) over Bacon in view of Schultz (US Patent 4,085,314).

As will be shown in the following remarks, all of the claims are allowable over these references.

References

Bacon discloses a conformable retroreflective article and a method for making the article. The article comprises a layer of cube corner segments (12) that has a planar front major surface (16) and an opposite microreplicated surface that comprises cube corner retroreflective elements (20). An adhesive layer (54) is present on the planar front major surface (16). A conformable carrier (52) is present on the adhesive layer (54). See, for example, Figures 1, and 7. The article of Bacon may also have a specularly reflective layer (56) on the microreplicated surface, an adhesive layer (58) on the specularly reflective layer (56) and a release liner (60) on the adhesive layer (58). See Figure 8.

The Bacon reference discloses segmenting only the optical layer, that is the layer of cube corner elements. Bacon does not disclose segmenting any other portion of his article. He does not disclose segmenting the carrier layer (52). He does not disclose segmenting the adhesive layer (54). He does not disclose segmenting either the optional specular coating (56) or the optional adhesive layer (58).

Vessely discloses an adhesive label. The label has, in order, a light reflecting outer layer (11), an inner supporting layer (12), and an adhesive layer (13). The light-reflecting layer includes glass beads (15) embedded in a plastic binder (16). See Figure 2a. The individual labels are die cut to provide a desired shape. A release liner may be provided on the adhesive layer.

Schultz discloses an encodable retroreflective article. The article comprises a series of die cut cover sheets adhered to a retroreflective base sheet through an adhesive.

The Invention

The present invention is directed to a retroreflective article that comprises a carrier (either an elongate carrier or a common carrier) **and** a plurality of discrete segments of **retroreflective sheeting**. The retroreflective sheeting used to provide the discrete segments comprises a layer of optical elements and one or more additional layers. This would be clearly understood by one in the art. See, for example, the specification at page 2, lines 7-10 and 22-25; page 3, lines 1-5; and page 13, lines 1-11 where a general description of retroreflective sheeting is taught. See also the various references cited in the specification at page 14, lines 1-11 where specific reference is made to several patents that contain illustrative examples of retroreflective sheeting useful in the invention. Examination of these patents shows that retroreflective sheeting is understood by those in the art to comprise a layer of one or more retroreflective elements in combination with at least one or more other layers, such as an adhesive, a support layer, a top (or cover) layer etc.

Discussion

The Rejection Under 35 USC § 102(b)

The underlying premise of the Examiner's rejection of claims 66-70, 74, 76-82, and 92-103 is that Bacon discloses a plurality of discrete segments of retroreflective **sheeting** disposed on an elongate carrier. As discussed above, this is an improper reading of Bacon. Bacon only discloses segmenting a portion of the sheeting that is, segmenting only the layer of retroreflective elements. He does not disclose segmenting any other portion of the sheeting. Bacon does not disclose segmenting the adhesive layer, the support layer, the top or cover layer, etc. Applicants,

however, claim that the entire retroreflective sheeting be segmented. Since Bacon fails to disclose this feature of the Applicants' claims, it fails to anticipate those claims. As a result, the rejection of claims 66-70, 74, 76-82, and 92-103 under 35 USC § 102(b) as being unpatentable over Bacon must be withdrawn.

The Rejection Under 35 USC § 103(a) Over Bacon in View of Vessely

The basis for the Examiner's rejection of claims 63-64, 66-72, 74-88 and 91-103 is that it would be obvious to use the protective release surface of Vessely with the article of Bacon to protect the adhesive. This combination, even if properly made, would not render these claims obvious as it would not overcome the shortcomings of Bacon. It would not provide a retroreflective article comprising a carrier and a plurality of discrete segments of retroreflective **sheeting**. As a result, the combination fails to provide the claimed invention and fails to render it unpatentable under 35 USC § 103(a) and the rejection must be withdrawn.

The Rejection under 35 USC § 103(a) Over Bacon in View of Schultz

The basis for the rejection of claim 73 is that it would be obvious to use Schultz to provide discontinuities in the carrier of Bacon. This rejection fails because even if the combination were to be made, it would not provide the retroreflective article claimed by Applicants. First, it would not provide an article comprising a carrier and a plurality of discrete segments of retroreflective sheeting. For this reason alone, the combination fails to provide the claimed invention and fails to render claim 73 unpatentable under 35 USC § 103(a).

Second, this combination fails to render claim 73 obvious for yet another reason. Nothing in either Bacon or Schultz reference teaches or suggests that there be a differential adhesion property such as is required by this claim. Consequently, nothing in either reference can be said to motivate one to take the steps necessary to provide this feature.

In view of the preceding comments, it is submitted that the application is in condition for allowance. Reconsideration of the application and allowance of claims is solicited.

Respectfully submitted,

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